

Docket Item #5
BZA CASE #2006-0039

Board of Zoning Appeals
September 14, 2006

ADDRESS: 305 E. WINDSOR AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: ROBERT MORTON AND CARRIE BEACH, OWNERS

ISSUE: Special exception to construct a rear screened porch with foundation 5.00 feet from the west side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard	7.00 feet	5.00 feet	2.00 feet

The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception.

If the Board decides to grant a special exception, it should contain the conditions under the department comments. Special exceptions must also be recorded with the deed of the property in the City's Land Records Office prior to the release of a building permit.

(insert sketch here)

I. Issue

The applicants propose to improve their house at 305 East Windsor Avenue by constructing 1) a one-story covered screened porch, 2) a one and two story rear additions, and 3) a deck with pergola. Only the one-story covered screened porch requires a special exception.

II. Background

The subject property is two lots of record with approximately 50.00 feet of frontage facing East Windsor Avenue and a depth of 115.00 feet. The property contains a total of 5,750 square feet of lot area. The subject lot is complying as to the minimum lot area for a R-2-5 zone single-family lot where the minimum lot size is 5,000 square feet.



View of west side yard from East Windsor Avenue

The lot is developed with a one and one-half story single family-dwelling located 19.60 feet from the front property line facing East Windsor Avenue, 4.60 feet from the west side property line, 7.00 feet from the east side property line and 72.60 feet from the rear property line. As indicated on the submitted plat, the existing house is built within the required west side yard. The existing house complies with the prevailing front setback along East Windsor Avenue and the required rear and east side yards. According to real estate records the house was constructed in 1935.

III. Description

The applicants propose the following improvements to their home. Some of the improvements comply with R-2-5 zoning and do not require a variance or special exception.

- (a) Construct a one-story rear screened porch with foundation wall located

approximately in line (set in .20 feet) with the west wall of the existing house. The screened porch measures 15.25 feet by 11.50 feet and totals 175.38 square feet. Based on a building height of 12.30 feet, a side yard setback of 7.00 feet is required facing the west side property line. The screened porch will be located 5.00 feet from the west side property line and 32.50 feet from the east side property line and 57.00 feet from the rear property line. A side yard modification of 2.00 feet is requested from the west side property line. Because the applicant is altering one noncomplying wall located within the required west side



Location of proposed screened porch

yard, the project is eligible for a special exception.

- (b) Construct a two-story rear addition set in from the side walls of the existing dwelling. The addition measures approximately 25.00 feet by 12.00 feet and 20.25 feet in height from average finished grade to the eve line of the roof facing the east and west side property lines. Based on the proposed height the two-story addition is in compliance with the minimum 7.00 feet setback.
- (c) Build a one-story addition approximately in line (set in .30 feet) from the east side wall of the existing house. The one-story addition measures 15.25 feet by 11.50 feet and 12.00 feet in height. Based on a building height of 12.00 feet, a side yard setback of 7.00 feet is required facing the east side property line. The one-story addition will be located 7.30 feet from the east side property line, in compliance with the R-2-5 zone.
- (d) Construct a deck with an open pergola that measures 13.00 feet by 8.00 feet

and is located outside of all required yards.

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

There have been no prior variances or special exceptions applied for or granted for the subject property.

IV. Master Plan/Zoning: The subject property is zoned R-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for residential use.

V. Requested Special Exception:

3-506(A)(2) Side Yard (West)

The applicants request a special exception from the minimum 7.00 foot side yard requirement to construct a screened porch. At its closest point the existing west building wall is located 4.60 feet from the property line, the applicants propose to construct a screened porch 5.00 feet from the west side property line, in line with the existing west side building wall. The applicants request a special exception of 2.00 feet.

VI. Noncomplying structure

The existing building at 305 West Windsor Avenue is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (West)	7.53 feet*	4.60 feet	2.93

* Based on a building height of 22.60 feet to the midpoint of the gable.

VII. Special Exceptions Standards

To grant a special exception, the Board of Zoning Appeals must find that the strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property. Section 11-1304 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants granting a special exception of the zoning regulations.

1. Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
2. Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.

3. Whether approval of the special exception will alter the essential character of the area or the zone.
4. Whether the proposal will be compatible with the development in the surrounding neighborhood.
5. Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

VIII. Staff Conclusion

The subject lot is similar in lot size and width to other lots on the block and complies with the minimum R-2-5 zone requirements. An inspection of the immediate neighborhood revealed several homes with rear additions in line with the original building walls. Many of the homes appear to be built closer to the side property lines than the zoning rules currently permit. Staff believes that the proposed screened porch will not alter the character of the neighborhood.

The proposed addition is a screened porch rather than enclosed structure. The applicants do not have plans to enclose the porch, therefore, it is unlikely, that the proposed one story screened porch will have a negative impact on the light and air enjoyed by the adjacent property at 303 East Windsor Avenue. The location of the neighbor's house at the location where the screened porch is proposed, is set in from the adjoining property line and provides a reasonable distance to help reduce the impact of the screened porch on their light and air. The applicants have shown the plans to their neighbors and they support the application.

The proposed improvements are in character with the existing house and other houses on the block. Staff believes that the applicants' property meets the standards for a special exception.

Staff **recommends approval** of the requested special exception.

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- R-1 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. The building permit plans shall include information on the location of down spouts and/or sump pump discharge along with connections to a public storm sewer if within 100 feet of the property. If a connection is not available, other approved methods to the satisfaction of the Director of Transportation and Environmental Services may be used. [Refer to Memorandum to Industry dated June 18, 2004. Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- C-1 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-2 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- C-3 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)

Code Enforcement:

- F-1 The plans identify a proposed screened porch. Should the applicant at some point desire to enclose this area, they must comply with C-1 below.
- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

- F-1 No trees are affected by these plans.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is require.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.

